



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Toyoki UE et al.

Art Unit 2684

Serial No.: 10/057,897

Examiner A. Gantt

Filed: January 29, 2002

For: RADIO COMMUNICATION DEVICE AND METHOD OF  
CONTROLLING TRANSMISSION RATE

RESPONSE UNDER 37 CFR 1.111

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action of October 22, 2004, reconsideration and allowance are respectfully requested in light of the following remarks.

The office action rejects claims 31-35 under 35 USC 102(b) as anticipated by Noneman et al. (USPN 5,708,656). The Applicants respectfully traverse.

It is submitted that the Noneman et al. reference clearly fails to anticipate the present claimed invention. Noneman et al.'s ACK signal merely reflects system capacity (see, e.g., col. 5, lines 1-3) rather than measured reception quality at a communication terminal such as a mobile station. Nowhere do Noneman et al. discuss, imply or hint at measurement of reception quality at the communication terminal, nor providing information of